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2019 MAY 24 PM 2:10

U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: *cs*

Lafayette
Propose
order

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Chief, Civil Division
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Attorneys for the United States of America

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA *ex*
rel. [UNDER SEAL],

Plaintiff[s],

v.

[UNDER SEAL],

Defendant[s].

No. CV 18-08311-PA-ASx

STIPULATION REQUESTING
EXTENSION OF SEAL AND UNITED
STATES' AND STATE OF
CALIFORNIA'S ELECTION PERIOD

**[FILED UNDER SEAL PURSUANT TO
THE FALSE CLAIMS ACT, 31 U.S.C.
§§ 3730(b)(2) AND (3)]**

[FILED/LODGED CONCURRENTLY
UNDER SEAL: (1) MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF STIPULATION;
DECLARATION OF FRANK D.
KORTUM IN SUPPORT THEREOF; (2)
[PROPOSED] ORDER EXTENDING
SEAL AND UNITED STATES' AND
STATE OF CALIFORNIA'S ELECTION
PERIOD]

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Attorneys for the United States of America

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 UNITED STATES OF AMERICA ex
14 rel. IONM LLC, a Delaware corporation;
STATE OF CALIFORNIA ex rel. IONM
15 LLC, a Delaware corporation, and LOS
ANGELES COUNTY ex rel. IONM
16 LLC, a Delaware corporation,

17 Plaintiffs,

18 v.

19 UNIVERSITY OF SOUTHERN
20 CALIFORNIA, a California corporation,

21 Defendant.
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PERIOD]

1 IT IS HEREBY STIPULATED AND AGREED by and among qui tam plaintiff
2 IONM LLC ("Relator"), the United States of America ("United States"), and the State of
3 California ("California"), by their respective attorneys of record and subject to the
4 approval of the Court, that:

5 (1) the United States and California shall have an additional six months, to and
6 including December 30, 2019, within which to file their respective notices of election
7 regarding intervention in this action pursuant to 31 U.S.C. § 3730(b)(4), Cal.
8 Government Code § 12652(c)(6), and California Insurance Code sections 1871.7(e)(2)
9 and (e)(3); and


10 (2) pursuant to 31 U.S.C. § 3730(b)(3), the Complaint and all other papers filed or
11 lodged in this action shall remain sealed, to and including December 30, 2019.

12 The reasons for this request are set forth in the Memorandum of Points and
13 Authorities and Declaration filed concurrently herewith.¹

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15 Respectfully submitted,

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17 Dated: May 21, 2019

GOTCHETT, PITRE & McCARTHY, LLP

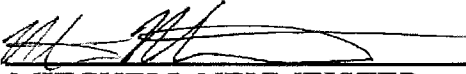
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19 
JUSTIN T. BERGER

20 Attorneys for Relator
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27 ¹ Federal Rule of Civil Procedure 5(a) does not require this Stipulation, the [Proposed]
28 Order lodged herewith, or the Supporting Memorandum and Declaration filed herewith
to be served upon the Relator or the State.

1 Dated: May 21, 2019

CALIFORNIA DEPARTMENT OF INSURANCE
FRAUD LIASON BUREAU

2
3 

4 MITCHELL NEUMEISTER

5 Attorneys for the State of California

6
7 Dated: May ___, 2019

CALIFORNIA ATTORNEY GENERAL
BUREAU OF MEDI-CAL FRAUD AND
ELDER ABUSE

8
9 [See next page]

10 JOHN FISHER

11 Attorneys for the State of California

12
13 Dated: May 22, 2019

14 NICOLA T. HANNA
United States Attorney
15 DAVID M. HARRIS
Assistant United States Attorney
16 Chief, Civil Division
DAVID K. BARRETT
17 Assistant United States Attorney
Chief, Civil Fraud Section

18 

19 FRANK D. KORTUM
20 Assistant United States Attorney

21 Attorneys for the
22 United States of America
23
24
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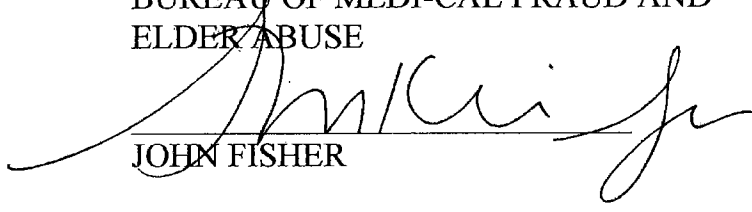
1 Dated: May 23, 2019

CALIFORNIA DEPARTMENT OF INSURANCE
FRAUD LIASON BUREAU

[See previous page]

MITCHELL NEUMEISTER
Attorneys for the State of California


CALIFORNIA ATTORNEY GENERAL
BUREAU OF MEDI-CAL FRAUD AND
ELDER ABUSE


JOHN FISHER

Attorneys for the State of California

13 Dated: May 23, 2019

NICOLA T. HANNA
United States Attorney
DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division
DAVID K. BARRETT
Assistant United States Attorney
Chief, Civil Fraud Section



FRANK D. KORTUM
Assistant United States Attorney

Attorneys for the
United States of America

DECLARATION RE: LACK OF NECESSITY FOR PROOF OF SERVICE

I, Frank D. Kortum, declare:

1. I am the Assistant United States Attorney who has been assigned responsibility for handling the above-captioned action. I am a member of the Bar of the State of California, and I have been duly admitted to appear before this Court. The following is based on my personal knowledge.

2. I have examined Federal Rule of Civil Procedure ("Rule") 5(a), which provides as follows:

(a) Service: When Required.

(1) In General. Unless these rules provide otherwise, each of the following papers must be served on every party:

(A) an order stating that service is required;

(B) a pleading filed after the original complaint, unless the court orders otherwise under Rule 5(c) because there are numerous defendants;

(C) a discovery paper required to be served on a party, unless the court orders otherwise;

(D) a written motion, except one that may be heard ex parte; and

(E) a written notice, appearance, demand, or offer of judgment, or any similar paper.

(2) If a Party Fails to Appear. No service is required on a party who is in default for failing to appear. But a pleading that asserts a new claim for relief against such a party must be served on that party under Rule 4.

(3) Seizing Property. If an action is begun by seizing property and no person is or need be named as a defendant, any service required before the filing of an appearance, answer, or claim must be made on the person who had custody or possession of the property when it was seized.

1 The list of documents set forth in Rule 5(a)(1) does not include the document to
2 which this Declaration is attached. The said document also is not a pleading that asserts
3 "a new claim for relief" against any "party who is in default for failing to appear." (Rule
4 5(a)(2).) Nor was the above-captioned action "begun by seizing property." (Rule
5 5(a)(3).) Therefore, I believe that Rule 5(a) does not require the document to which this
6 Declaration is attached to be served upon any party that has appeared in the above-
7 captioned action.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed on May 23, 2019, at Los Angeles, California.

10 
11 _____
12 FRANK D. KORTUM